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FILED
2015 NOV 12 P 3:05
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ELIAS STAVRINIDES,	) CASE NO: C 15-03118 WHA
)
Plaintiff,	) PLAINTIFF'S MOTION TO EXTEND
	) TIME Fed.Civ.R 6(b)(B)
vs.	) FOR EXCUSABLE NEGLECT
	) FOR FILING OPPOSITION TO MOTION
PACIFIC GAS AND ELECTRIC	) TO DISMISS OR IN THE ALTERNATIVE
COMPANY;	) TO FILE A FIRST AMENDED
	) COMPLAINT IN STANTER AT HEARING
Defendant.)
	) DATE: December 17, 2015
	) TIME: 8:00 am
	) COURTROOM: 8

Comes now, Plaintiff timely to move this honorable court pursuant to Fed.Civ.R. 6(b)(B), Fed.Civ.R.7(b)¹, Plaintiff was to file an Opposition to Defendant's Motion to Dismiss, or in the alternative Plaintiff requests to file a First Amended Complaint (FAC) December 17, 2015 in stanter.

Plaintiff is in Pro Se, and never received notice of the Order by Hon. William Alsup on October 29, 2015, (ORDER Motion to Dismiss). Plaintiffs just recently discovered the Order by

¹ Rule 6. Computing and Extending Time; Time for Motion Papers
(b) Extending Time.

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

1 accident. Plaintiff never received due process or had a opportunity to file his notice of
2 Opposition to Motion to Dismiss 12b6. Plaintiffs will timely do so now.

3 Attached hereto and incorporated herein by reference is a brief in support of this motion
4 to extend time, with a detailed prayer for specific relief request.
5

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7 
8 Elias Stavrinides, Plaintiff Pro Se
9 150 Raley Town Center Ste 2512
Rohnert Park, California 94928

10 **PLAINTIFF'S MOTION TO EXTEND TIME**
11 **NOTICE OF HEARING**
12 Fed.Civ. R.7

13 Unless this court deems, otherwise this hearing date for said Motion will be set for
14 hearing on Thursday, December 17, 2015 at 8 am and a response hereto will be set for (10) days
15 prior to hearing.

16
17 
18 Elias Stavrinides, Plaintiff Pro Se

19 **BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO EXTEND TIME**

20 Plaintiff begs this Courts and the Defendant's forgiveness for not properly responding to
21 the Defendant's and the Courts correspondence, an explanation is outlined below.

22 Plaintiff timely brings this motion to extend time to file his Notice to Extend Time or
23 Leave of Court to file a FAC as ordered by the court.
24

25 This Motion is timely, not meant to delay nor cause any prejudice or harm to another
26 party.

27
28 ARGUMENT IN LAW
Fed.Civ.R. 6(bF(B)) states:

Computing and Extending Time; Time for Motion Papers; (b) Extending Time; (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Plaintiff just recently discovered that an Order was issued in this case subjudice on October 29, 2015, Plaintiff was not notified in writing of the Order and were not extended due process in order to file a notice to extend time or leave of court to file a FAC.

STATEMENT OF FACTS

1. Plaintiff twice received notice of the court to Consent or Decline Magistrate. Plaintiff twice sent in written notice of declination to the court.
2. On October 6, 2015, Plaintiff physically went to the Court as he received a 3rd Consent or Decline notice of Magistrate, and talked at the counter with the clerk.
3. The Clerk said not to worry about deadlines, as they would be reissued after filing of the Declination of the Magistrate, and Plaintiff with the clerk filed a handwritten declination over the counter.
4. Plaintiff recognizes that the Motion to Dismiss 12b6 by the Defendant's was correct in one part, in that Plaintiff only cited One phone call from Defendant. Plaintiff asked the clerk if he should file a Motion for Leave to file a FAC, or if he needed to file an opposition to the 12b6, and then have to file Motion for Leave to file a FAC.
5. Clerk stated she could not give legal advice, but to file the Motion for Leave to file a FAC after the case was reassigned to a judge, and that Plaintiff would get a new set of filing deadlines.
6. On or about October 10th, 2015, Plaintiff changed his mailing address to 150 Raley Town Center, Ste 2512, Rohnert Park, California 94928. Plaintiff unintentionally did not notice the court or the Defendants of the change of address, is doing so now, and will file a proper change of address form with the Court.

PRAYER

Plaintiff respectfully moves this Honorable Court to grant Plaintiff's Motion to Extend time for excusable neglect a "matter of law". Plaintiff requests leave of Court to File a First Amended Complaint (FAC) by December 17, 2015.

November 10, 2015

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'E Stavrinides', is written above the printed name.

Elias Stavrinides, Plaintiff Pro Se

PROOF OF SERVICE

The undersigned declares as follows:

I am a resident of the County of Sonoma, State of California, and at the time of service I was over 18 years of age and not a party to this action. My address is 925 Lakeville Street #186, Petaluma, California

On the below date: I served the following document (s) described as:

MOTION TO EXTEND TIME

I served the documents on the persons below, as follows:

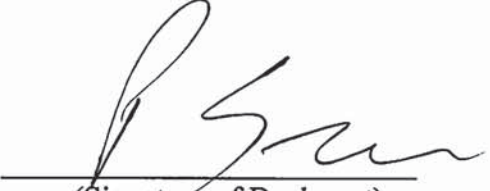
BLAISE CURET
C/O PG&E
TWO EMBARCADERO CENTER #1410
SAN FRANCISCO, CA 94111

 X **(BY MAIL)** I placed said document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, and placed such envelope in the United States mail at Sonoma County, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 10, 2015 at Santa Rosa, California.

Paul Southwick
(Type or Print Name of Declarant)


(Signature of Declarant)